

DISCLOSURE

"Government in the Sunshine"

S. 5

[Chiles and 25 others]

Purpose: To provide that meetings of Government agencies and of Congressional committees shall be open to the public; with the exception of adjustments to Title 2 concerning Congressional hearing procedures, the bill is new law.

Summary: The bill defines national defense as:

- (a) the protection of the U.S. against actual or potential attack or of other hostile acts of a foreign power;
- (b) the obtaining of foreign intelligence information deemed essential to the security of the U.S.;
- (c) the protection of national security information against foreign intelligence activities; or
- (d) the protection, to the extent deemed necessary by the President, of the U.S. against the overthrow of the government by force.

Title I -- Congressional Procedures, Sec. 101 - Senate Committee Hearing Procedures

- (a) Each meeting of any committee or subcommittee shall be open to the public unless the majority of committee votes to close portions of such meeting. Session can be closed to avoid disclosure of "matters necessary to be kept secret in the interests of national defense" and for other enumerated reasons.
- (b) Each committee and subcommittee shall issue a public announcement of the date, place and subject matter of each meeting one week before the meeting or at the earliest opportunity. No exceptions.
- (c) A complete transcript shall be made of each meeting (whether open or closed) and released to the public.

(d) Committees or subcommittees can delete any national security or other exempted material from transcript by majority vote of a quorum of the committee or subcommittee. Committees are required to keep a transcript for one year.

(e) If a point of order is made by one-fourth of the committee members against the decision to hold a closed hearing or delete material from a transcript, then the point of order will be referred to a Select Committee on Meetings, consisting of the President pro tempore and the majority and minority leaders. The Select Committee reviews the committee decision and issues a resolution on its findings. If they rule against the committee, the Senate votes on it and can require public release of the entire transcript. According to the language of the bill, a point of order can only be made against a decision to hold a closed meeting or to delete part of a transcript.

Sec. 102 proposes the same procedure for the House, with Select Committee consisting of the Speaker, and majority and minority leaders.

Sec. 103 proposes the same procedures for conference and joint committees.

Title II -- Agency Procedures, Sec. 201

(a) This section applies to agencies as defined in 5 U.S.C. 551(1), where the body comprising the agency consists of two or more members. [Note: In discussions with DFM and WPB, Mr. Paul Hoff of the Senate Government Operations Committee indicated that this section is aimed at regulatory administrative agencies and that its language is sufficient to exclude CIA from the proposed procedures.] Except as provided in subsection (b), all meetings at which official action is discussed or considered shall be open to the public.

(b) Meetings after majority vote of the entire membership of the agency can be closed for the same reasons as Congressional meetings, including "national defense".

(c) Each agency shall make a public announcement of the date, place and subject matters of each meeting at which official action is considered or discussed at least one week before the meeting.

(d) A complete transcript shall be made of each meeting, and a copy made available to the public, except under (e).

(e) An agency can delete from released transcripts of closed meetings any material a majority of the membership of the agency by vote determines to be covered by one of the exemptions in (b). A vote must be taken on each transcript.

(f) Each agency shall promulgate regulations, to be printed in the Federal Register, for implementing this Act. Any citizen can bring suit to require an agency to promulgate regulations, or to set aside regulations not in accord with (a)-(e).

Sec. 202 prohibits any interested party from making to any member of the agency in question, administrative judge or employee who is involved in the decisional process an off-the-record communication, and vice versa.

Sec 203 provides that this title does not authorize withholding of information or limit the availability of records to the public except as provided in this title nor does it authorize any information to be withheld from Congress.